

Serial No. **09/234,518**
Amendment dated **September 21, 2004**
Reply to Office Action of **April 21, 2004**

Docket No. **K-0078**

REMARKS/ARGUMENTS

Claims 14-21, 23-27 and 50-64 are pending. By this Amendment, claims 52, 53 and 57 are amended for informalities and new claims 61-64 are added.

Claims 17, 20, 21 and 24-27 are indicated as allowable, and dependent claims 15 and 16 stand objected to as being dependent upon a rejected base claim (i.e., independent claim 14), but is indicated as allowable if rewritten in independent form. For the reasons set forth below, it is respectfully submitted that all the pending claims are in condition for allowance.

Claims 14, 18, 19, 23 and 53-55 stand rejected under 35 U.S.C. §102(e) of Chater-Lea (U.S. Patent No. 5,822,314). This rejection is respectfully traversed.

Chater-Lea fails to disclose all the claimed features, as required under §102. For example, the step of performing the broadcast control operating of claim 14 is not disclosed in Chater-Lea. For example, independent claim 14 recites sending time information, system information and paging information from the base station to the corresponding mobile terminal. The Patent Office relies upon column 6, lines 39-45, of Chater-Lea to conclude that such features are disclosed. However, such conclusion is erroneous in view of the disclosure of Chater-Lea. The disclosure of that particular section relates to the frame number. As described in column 4, lines 44-46, of Chater-Lea, the frame number is used to

perform timing synchronization between the base station and the mobile station. Hence, there is no disclosure regarding sending system information and paging information from the base station to the mobile terminal.

Further, there is no support in column 6, lines 45-59, of Chater-Lea of transferring a synchronization request message or system information update requested message to the lower layer of the corresponding mobile terminal. Specifically, there is no explicit disclosure regarding such information being sent to the lower layer of the corresponding mobile terminal. Hence, Chater-Lea fails to disclose all the claimed features and the combination thereof, as recited in independent claim 14.

Chater-Lea also fails to disclose all the claimed features and the combination thereof of independent claim 19. For example, Chater-Lea does not disclose the transferring of a cipher request message from a specific one of the upper layers, allowing the lower layer to perform the ciphering operation and transferring a result of the ciphering operation from the lower layer to the specific upper layer. In Chater-Lea, there is no specific disclosure regarding a message requesting ciphering since once authentication has been performed, the required ciphering key is sent to the MAC to perform the ciphering. Thereafter, ciphering is performed and there is no transferring the result of the ciphering operation from the lower layer to the specific upper layer.

For example, as illustrated in Figure 5, which shows the steps of the ciphering, once the frame numbering and offset are received, the ciphering is started and the communication continues. There is no specific disclosure regarding the transfer of a cipher request message and transfer of a result of the ciphering operation from the lower layer to the specific upper layer.

Chater-Lea also fails to disclose all the claimed features of independent claim 53 and the combination thereof. As discussed above, for independent claim 19, Chater-Lea does not provide any support for providing a status of the ciphering operation to the upper layer. The Patent Office cites column 5, line 55 - column 6, line 24. However, the specific disclosure pinpointed by the Patent Office has no support for teaching providing a status of the ciphering operating to the upper layer, as recited in independent claim 53.

Chater-Lea fails to disclose all the claimed features and the combination thereof. Hence, withdrawal of this §102 rejection is respectfully requested.

Claims 50-52, 56-58 and 61 stand rejected under 35 U.S.C. §102(e) over Cheng et al. (U.S. Patent No. 6,393,008). This rejection is respectfully traversed.

Cheng, et al. fails to disclose all the claimed features and the combination thereof, as recited in independent claim 50. For example, Cheng, et al. does not send a measurement request from the upper layer to the medium access sub-layer, obtaining a measurement indicative of the condition of the channel or the cell by the medium access sub-layer and

provide a result of the measurement to the upper layer from the medium access control sub-layer. In this regard, the Patent Office relies upon the disclosure of column 5, lines 28-56 and column 6, lines 16-46. However, it is respectfully submitted that when Cheng, et al. is read in its entirety, the conclusions made by the Patent Office are not supported for rejecting independent claim 50 under §102.

As described at column 3, lines 4-9, it seems that the MAC layer of Cheng is responsible for allocating the physical layer connection on both the fundamental and supplemental channels. In view of such objects, there is no need for the MAC layer to receive a measurement request from an upper layer and does not provide a result of the measurement request to the upper layer. Further, the disclosure regarding monitoring and controlling allocation of channels on column 5, lines 28-34, does not specify any measurement based on measurement request from the upper layer or providing a measurement result to the upper layer. Hence, Cheng, et al. cannot disclose all the claimed features and the combination thereof, as recited in independent claim 50.

Cheng, et al. does not disclose all the claimed features and the combination thereof, as recited in independent claims 56. Similar to the last Office Action, Cheng, et al. does not disclose a plurality of separate entities of the medium access control sub-layer, which includes a broadcast entity for handling a broadcast channel, a common entity for handling a common channel and a dedicated entity for handling a dedicated channel. As it is well

known to one of ordinary skill in the art, a broadcast entity, a common entity, a dedicated entity or the term “entity” has a specific meaning in the telecommunication art. It seems that the Patent Office does not appreciate this distinction, and still relies upon the general MAC layer, which does not disclose or teach such entities.

Further, Cheng, et al. cannot teach a broadcast entity, a common entity and a dedicated entity. First, the Patent Office relies upon column 6, lines 1-4, of Cheng, et al. to teach the broadcast entity and the common entity. However, the specific disclosure therein has no relation to the entity recited in the claims. That particular disclosure relates to MAC control channel MAC_CCH. The MAC_CCH does not relate to the entities of the MAC sub-layers, but rather a control channel, as described at column 5, lines 66-67. Moreover, Cheng, et al. cannot teach the dedicated entity.

As described in the Abstract, the MAC layer is bypassed when a user requires circuits switch services (voice calls). As it is known to one of ordinary skill in the art, voice calls are carried on the dedicated channel. If voice calls are bypassed by the MAC layer of Cheng, et al., it would be appreciated by one of ordinary skill in the art that Cheng, et al. would not have a dedicated entity for handling a dedicated channel.

It is respectfully submitted that the requirements of §102 have not been met. Hence, withdrawal of this §102 rejection is respectfully requested.

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Claim 59 stands rejected under 35 U.S.C. §103(a) over Cheng, et al., in view of Chater-Lea. This rejection is respectfully traversed.

Chater-Lea fails to teach the features found lacking in Cheng, et al. for independent claim 56. Hence, the combination of Cheng, et al. and Chater-Lea cannot disclose or teach the features recited in dependent claim 59. Hence, withdrawal of this §103 rejection is respectfully requested.

New claims 61-64 are added, which directly or indirectly depend from independent claim 50. It is respectfully submitted that these claims are also in condition for allowance. Favorable consideration and prompt allowance is earnestly solicited.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Daniel Y.J. Kim, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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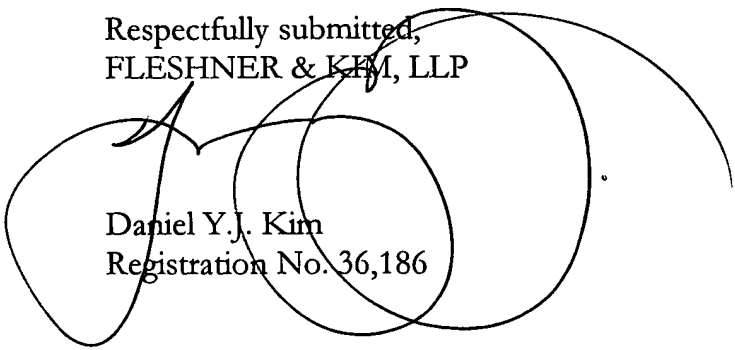
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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607
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Respectfully submitted,
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